

Appln. Serial No. 09/823,400
Reply to non-final Office Action mailed on January 12, 2005

REMARKS

Claims 1-12 and 14-24 are pending in the application, with claims 1, 12 and 20 being the independent claims. Independent claims 1, 12 and 20 and dependent claims 2, 14 and 21 are sought to be amended. Claim 13 is sought to be canceled without prejudice or disclaimer. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding objections and rejections.

Rejections under 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a)

Claims 1-5, 7, 9-15 and 18-24 are rejected under 35 U.S.C. § 102(a) as being allegedly unpatentable over WO 00/40028 (hereinafter referred to as "Lang"). Claims 6, 8, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lang. Claim 13 has been canceled rendering the rejection to this claim moot. Applicant respectfully traverses these rejections with regard to claims 1-12 and 14-24 since Lang does not teach or suggest each element of amended independent claims 1, 12 and 20 for at least the following reason.

Independent claims 1, 12 and 20 have been amended to include a similar feature of the program guide including a menu of the plurality of stored content where a user can select a

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stored content from the plurality of stored content to be viewed at any time by selecting the stored content from the menu. In contrast, Lang discloses an electronic programming guide which incorporates a concept of a virtual channel to assist in choosing between sources of programming. The virtual channel of Lang is a series of programs from diverse sources intended to be shown in succession. (see, e.g., Lang, page 4, ll. 15 and 16). Thus, a user cannot use the electronic programming guide of Lang to select a stored program to be viewed at any time. Therefore, for at least this reason, independent claims 1, 12 and 20 (and their dependent claims 2-11, 14-19 and 21-24) are patentable over Lang. Accordingly, Applicant requests that the rejections under 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a) be reconsidered and withdrawn.

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INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-3311
if there remains any issue with allowance of the case.

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CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicant believes that a full and complete response has been made to the outstanding Office Action. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and allowance of this application.

Respectfully submitted,

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Dated: 2/3/2005

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